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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171281
Party	Plaintiff PomWonderful LLC
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Submission	Motion to Consolidate
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Date	12/23/2008
Attachments	91171281-91186484 Mot wConsent to Consolidate.pdf (3 pages)(22737 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

POMWONDERFUL LLC,)	
)	
Opposer,)	
)	
v.)	Opposition Nos. 91171281 and
)	91186484
)	
JARROW FORMULAS, INC.)	
)	
Applicant.)	

MOTION WITH CONSENT TO CONSOLIDATE

Opposer, PomWonderful, LLC (“Pom”) with the consent of Applicant, Jarrow Formulas, Inc. (“Jarrow”), moves pursuant to Rule 42(a), Fed. R. Civ. P., Trademark Rules 2.104(b), and § 511 of the Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) to consolidate Opposition No. 91186484 into Opposition No. 91171281. In support of this motion, Opposer states as follows:

1. The two proceedings involve the same parties, namely Pom and Jarrow.
2. In Opposition No. 91171281, Opposer alleges that it will be harmed by the registration of POMAMAZING, POME GREAT, POMESYNERGY, POMOPTIMIZER, and POMGUARD. In Opposition No. 91186484, Opposer alleges it will be harmed by the registration of POMEZOTIC.
3. The factual and legal issues involved in both proceedings are similar.
4. Similar answers have been filed in both proceedings.
5. Applicant’s counsel in both proceedings, Mark Giarratana, consents to this motion for consolidation.

6. Because the same parties are involved in both proceedings, the proceedings involve common issues of law and fact, consolidation will result in considerable savings in time, effort and expense. Furthermore, consolidation will not result in any prejudice to any party, as shown by the parties' agreement to consolidate.

For the foregoing reasons, Opposer, with Applicant's consent, requests that the Board grant this motion and consolidate Opposition Nos. 91171281 and 91186484.

Dated: December 23, 2008

Respectfully submitted

LOEB & LOEB LLP

By: /s/ Sharon A. Ceresnie
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Attorneys for Opposer, PomWonderful, LLC

CERTIFICATE OF SERVICE

I, Sharon A. Ceresnie, hereby certify that a copy of the **MOTION WITH CONSENT TO CONSOLIDATE** has been served upon:

MARK D. GIARRATANA, ESQ.
ELIZABETH SWIFT, ESQ.
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via first class mail, postage prepaid, on this 23rd day of December 2008.

/s/ Sharon A. Ceresnie